

2SSB 6702 - H AMD 1437

By Representative Dammeier

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** INTENT. The legislature intends to provide
4 for the operation of education programs for juvenile inmates
5 incarcerated in adult jails.

6 The legislature finds that this chapter fully satisfies any
7 constitutional duty to provide education programs for juvenile inmates
8 in adult jails. The legislature further finds that biennial
9 appropriations for education programs under this chapter amply provide
10 for any constitutional duty to educate juvenile inmates in adult jails.

11 NEW SECTION. **Sec. 2.** EDUCATION PROGRAMS FOR JUVENILES IN ADULT
12 JAILS. A program of education shall be made available for juvenile
13 inmates by adult jail facilities and the several school districts of
14 the state for persons under the age of eighteen years who have been
15 incarcerated in any adult jail facilities operated under the authority
16 of chapter 70.48 RCW. Each school district within which there is
17 located an adult jail facility shall, singly or in concert with another
18 school district pursuant to RCW 28A.335.160 and 28A.225.250 or chapter
19 39.34 RCW, conduct a program of education, including related student
20 activities for inmates in adult jail facilities. School districts are
21 not precluded from contracting with educational service districts,
22 community and technical colleges, four-year institutions of higher
23 education, or other qualified entities to provide all or part of these
24 education programs. The division of duties, authority, and liabilities
25 of the adult jail facilities and the several school districts of the
26 state respecting the educational programs shall be as provided for in
27 this chapter with regard to programs for juveniles in adult jail
28 facilities.

1 NEW SECTION. **Sec. 3.** "ADULT JAIL FACILITY"--DEFINED. As used in
2 this chapter, "adult jail facility" means an adult jail operated under
3 the authority of chapter 70.48 RCW.

4 NEW SECTION. **Sec. 4.** DUTIES, AUTHORITY, AND RESPONSIBILITIES OF
5 EDUCATION PROVIDER. (1) Except as otherwise provided for by contract
6 under section 7 of this act, the duties and authority of a school
7 district, educational service district, institution of higher
8 education, or private contractor to provide for education programs
9 under this chapter include:

10 (a) Employing, supervising, and controlling administrators,
11 teachers, specialized personnel, and other persons necessary to conduct
12 education programs, subject to security clearance by the adult jail
13 facilities;

14 (b) Purchasing, leasing, renting, or providing textbooks, maps,
15 audiovisual equipment paper, writing instruments, physical education
16 equipment, and other instructional equipment, materials, and supplies
17 deemed necessary by the provider of the education programs;

18 (c) Conducting education programs for inmates under the age of
19 eighteen in accordance with program standards established by the
20 superintendent of public instruction;

21 (d) Expending funds for the direct and indirect costs of
22 maintaining and operating the program of education that are
23 appropriated by the legislature and allocated by the superintendent of
24 public instruction for the exclusive purpose of maintaining and
25 operating education programs for juvenile inmates incarcerated in adult
26 jail facilities, in addition to funds from federal and private grants,
27 and bequests, and gifts made for the purpose of maintaining and
28 operating the program of education; and

29 (e) Providing educational services to juvenile inmates within five
30 school days of receiving notification from an adult jail facility
31 within the district's boundaries that an individual under the age of
32 eighteen has been incarcerated.

33 (2) The school district, educational service district, institution
34 of higher education, or private contractor shall develop the curricula,
35 instruction methods, and educational objectives of the education
36 programs, subject to applicable requirements of state and federal law.
37 For inmates who are under the age of eighteen when they commence the

1 program and who have not met high school graduation requirements, such
2 courses of instruction and school-related student activities as are
3 provided by the school district for students outside of adult jail
4 facilities shall be provided by the school district for students in
5 adult jail facilities, to the extent that it is practical and judged
6 appropriate by the school district and the administrator of the adult
7 jail facility.

8 NEW SECTION. **Sec. 5.** SCHOOL DISTRICTS--ADDITIONAL AUTHORITY AND
9 LIMITATION. School districts providing an education program to
10 juvenile inmates in an adult jail facility, may:

11 (1) Award appropriate diplomas or certificates to juvenile inmates
12 who successfully complete graduation requirements;

13 (2) Allow students eighteen years of age who have participated in
14 an education program under this chapter to continue in the program,
15 under rules adopted by the superintendent of public instruction; and

16 (3) Spend only funds appropriated by the legislature and allocated
17 by the superintendent of public instruction for the exclusive purpose
18 of maintaining and operating education programs under this chapter,
19 including direct and indirect costs of maintaining and operating the
20 education programs, and funds from federal and private grants,
21 bequests, and gifts made for that purpose. School districts may not
22 expend excess tax levy proceeds authorized for school district purposes
23 to pay costs incurred under this chapter.

24 NEW SECTION. **Sec. 6.** SUPPORT OF EDUCATION PROGRAMS. To support
25 each education program under this chapter, the adult jail facility and
26 each superintendent or chief administrator of an adult jail facility
27 shall:

28 (1) Provide necessary access to existing instructional and exercise
29 spaces for the education program that are safe and secure;

30 (2) Provide equipment deemed necessary by the adult jail facility
31 to conduct the education program;

32 (3) Maintain a clean and appropriate classroom environment that is
33 sufficient to meet the program requirements and consistent with
34 security conditions;

35 (4) Provide appropriate supervision of juvenile inmates consistent

1 with security conditions to safeguard agents of the education providers
2 and juvenile inmates while engaged in educational and related
3 activities conducted under this chapter;

4 (5) Provide such other support services and facilities deemed
5 necessary by the adult jail facilities to conduct the education
6 program;

7 (6) Provide the available medical and mental health records
8 necessary to a determination by the school district of the educational
9 needs of the juvenile inmate; and

10 (7) Notify the school district within which the adult jail facility
11 resides within five school days that an eligible juvenile inmate has
12 been incarcerated in the adult jail facility.

13 NEW SECTION. **Sec. 7.** CONTRACT BETWEEN SCHOOL DISTRICTS AND ADULT
14 JAIL FACILITIES. Each education provider under this chapter and the
15 adult jail facility shall negotiate and execute a written contract for
16 each school year, or such longer period as may be agreed to, that
17 delineates the manner in which their respective duties and authority
18 will be cooperatively performed and exercised, and any disputes and
19 grievances resolved through mediation, and if necessary, arbitration.
20 Any such contract may provide for the performance of duties by an
21 education provider in addition to those in this chapter, including
22 duties imposed upon the adult jail facility and its agents under
23 section 6 of this act, if supplemental funding is available to fully
24 pay the direct and indirect costs of these additional duties.

25 NEW SECTION. **Sec. 8.** EDUCATION SITE CLOSURES OR REDUCTION IN
26 SERVICES--NOTICE. (1) By September 30, 2010, districts must, in
27 coordination with adult jail facilities residing within their
28 boundaries, submit an instructional service plan to the office of the
29 superintendent of public instruction. Service plans must meet
30 requirements stipulated in the rules developed in accordance with
31 section 9 of this act, provided that (a) the rules shall not govern
32 requirements regarding security within the jail facility nor the
33 physical facility of the adult jail, including but not limited to, the
34 classroom space chosen for instruction, and (b) any excess costs to the
35 jails associated with implementing rules shall be negotiated pursuant

1 to the contractual agreements between the education provider and adult
2 jail facility.

3 (2) Once districts have submitted a plan to the office of the
4 superintendent of public instruction, districts are not required to
5 resubmit their plans unless either districts or adult jail facilities
6 initiate a significant change to their plans.

7 (3) An adult jail facility shall notify the office of the
8 superintendent of public instruction as soon as practicable upon the
9 closure of any adult jail facility or upon the adoption of a policy
10 that no juvenile shall be held in the adult jail facility.

11 NEW __ SECTION. **Sec. 9.** ALLOCATION OF MONEY--ACCOUNTABILITY
12 REQUIREMENTS--RULES. The superintendent of public instruction shall:

13 (1) Allocate money appropriated by the legislature to administer
14 and provide education programs under this chapter to school districts
15 that have assumed the primary responsibility to administer and provide
16 education programs under this chapter or to the educational service
17 district operating the program under contract; and

18 (2) Adopt rules that apply to school districts and educational
19 providers in accordance with chapter 34.05 RCW that establish
20 reporting, program compliance, audit, and such other accountability
21 requirements as are reasonably necessary to implement this chapter and
22 related provisions of the omnibus appropriations act effectively. In
23 adopting the rules pursuant to this subsection, the superintendent of
24 public instruction shall collaborate with representatives from the
25 Washington association of sheriffs and police chiefs and shall attempt
26 to negotiate rules that deliver the educational program in the most
27 cost-effective manner while, to the extent practicable, not imposing
28 additional costs on local jail facilities.

29 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
30 a new chapter in Title 28A RCW.

31 NEW SECTION. **Sec. 11.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected."

1 Correct the title.

EFFECT: Clarifies that it is the provision of access to existing instructional and exercise spaces for the education program that is required of the adult jail facilities.

Clarifies that the rules to be developed by the Office of the Superintendent apply to school districts and educational providers.

Removes language that mandated that the contractual agreements between school districts and adult jails cover the responsibilities for costs associated with technology access, transportation, and student medical or learning assessments.

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